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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,908	04/19/2005	Johannes Boppel	WI.2132 PCT-US	3844
7590 Douglas R Hanscom Jones Tullar & Cooper P O Box 2266 Eads Station Arlington, VA 22202				
06/03/2008				
EXAMINER				
LANGDON, EVAN H				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/531,908

**Applicant(s)**

BOPPEL ET AL.

**Examiner**

EVAN H. LANGDON

**Art Unit**

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34, 37, 39, 41-49, 53, 57-59, 61, 63, 65, 67 and 69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34, 37, 39, 41-49, 53, 57-59, 61, 63, 65, 67 and 69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/25/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34, 37, 39, 41, 44-49, 53, 57-59, 61, 65, 67 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polkinghorne (US 6,364,247) in view of Hansen (US 5,464,143).

Polkinghorne discloses a guide element of a web processing machine comprising:

a rigid load bearing support 146 of an at least partially fluid-permeable 154 support material having a circumferential surface;

a layer of a micro-porous, air permeable material 130 covering the circumferential surface of the rigid load bearing support 146;

a plurality of micro-openings 140 in the micro-porous material, the micro-openings being open pores forming in the micro-porous material, the plurality of micro-openings being adapted to allow emergence of a fluid under pressure from the fluid support material and around at least a portion of the circumferential surface of at least one longitudinal section of the guide element (col. 3 ll. 64-col. 4 ll. 12).

Hansen teaches guide element 10 and means supporting the guide element 1 for positioning in a selected one of two angular positions in respect to a web contacting the guide element (Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the means supporting the guide element of Polkinghorne to include supporting means to allow the guide to pivot in two angular positions as suggested by Hansen, to direct a moving web in the desired direction.

In regard to claim 37, Polkinghorne as modified by Hansen teaches both of the positions (Hansen) of the guide element fluid exits from the micro-sections over an entire circumference (col. 6 ll. 1-11) of the guide element in at least one longitudinal section.

In regard to claim 39, Polkinghorne as modified by Hansen teaches the guide element is pivotable through 90° and wherein in the first angular position a first half-shell-like half of a surface area is engaged by the web, and in the second angular position a second half-shell-like half of the surface area is engaged by the web (Hansen).

In regard to claim 41, Polkinghorne as modified by Hansen teaches the pores have a mean diameter between 5 µm and 50 µm (Polkinghorne, col. 3 ll. 64-col. 4 ll. 12).

In regard to claim 44, Polkinghorne as modified by Hansen teaches the support has, on a side facing the layer, a support surface connected with the layer, and a plurality of openings 154 adapted to feed the fluid to the layer 132 (Polkinghorne).

In regard to claims 45 and 69, Polkinghorne as modified by Hansen teaches the layer has a thickness of less than 1 mm (Polkinghorne, col. 3 ll. 64-col. 4 ll. 12).

In regard to claim 47, Polkinghorne as modified by Hansen teaches the support is a support tube 146 with a hollow profile.

In regard to claim 49, Polkinghorne as modified by Hansen teaches a degree of opening of the micro-openings is between 3% and 30% of an outer surface area of the layer of porous material.

In regard to claims 53, 57, 58 and 67, Polkinghorne as modified by Hansen teaches between 1 to 20 standard cubic meters of air per hour emerges from a square meter of the surface and the porous material is charged from the interior with an excess pressure of more than 4 bar (Polkinghorne, col. 3 ll. 64-col. 4 ll. 12).

In regard to claim 59, Polkinghorne as modified by Hansen teaches a feed line 150 adapted to supply fluid to the guide element and having an inner cross-sectioned area no greater than 100 mm<sup>2</sup>.

In regard to claim 46, the examiner takes official notice that a plurality of passages, which are not connected with each other, extending over a length and width of the support would have been obvious to one having ordinary skill in the art the time the invention was made to more accurately direct the fluid under pressure.

With respect to claims 48, 61 and 63, Polkinghorne as modified by Hansen does not teach specific values for the thickness of the support wall, the outer diameter of the guided element or the length of the guide element. However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been obvious through routine experimentation and optimization, for one of ordinary skill in the art to

have a thickness of at least 3mm, a diameter between 60 mm and 100 mm and a length of at least 1200 mm depending on the application of the guide element.

Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polkinghorne as modified by Hansen as applied to claim 34 above, and further in view of JP-53102.

JP-07053102 teaches a turning bar having a porous material made of sinter metal.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the porous material of Polkinghorne as modified by Hansen to include sinter metal as suggested by JP-53102, because the simple substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time the invention was made.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 34, 37, 39, 41-49, 53, 57-59, 61, 65, 67 and have been considered but are moot in view of the new ground(s) of rejection. The limitations i.e. at least a portion of said circumferential surface, necessitated the new grounds of rejection.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EVAN H. LANGDON whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Evan H Langdon  
Primary Examiner

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/Evan H Langdon/  
Primary Examiner, Art Unit 3654